

REMARKS

This response is in reply to the Office Action dated October 2, 2002 and the communication of March 2, 2005. The communication of March 2, 2005 stated that the submission filed on October 5, 2004 was not fully responsive because it was not in conformance with 37 CFR 1.33.

First, I would like to thank Examiner Grunberg for the telephone interview she granted on March 29, 2005. It is believed that the interview clarified some of the issues and should be helpful in expediting the prosecution of this case.

It was noted that this case had been held abandoned on May 20, 2003 but was revived by a petition granted on July 21, 2004.

The undersigned has been appointed as the attorney of record in this case by the assignee, The Cornell Research Foundation. A copy of the assignment is enclosed.

While a reply to the Office Action of October 2, 2002 was timely filed, it was held not to be in conformance with 37 CFR 1.33. In view of the above referred-to Power of Attorney, this response is deemed to be in conformance with 37 CFR 1.33.

In the Office Action of October 2, 2002, the declaration was objected to as being incorrect. The disclosure was objected to under 37 CFR 1.163(a) for the following reasons:

- A. Applicants should set forth all cultivar names in single quotation marks.
- B. Applicants should set forth all scientific binomials in the proper scientific nomenclature.
- C. Applicants should use differences rather than similarities to compare the parents and instant plant.
- D. Applicants should set forth quantitative information relative to branches.
- E. Applicants should provide information regarding floral beds in terms of size, form, color, peduncle and number per spur.

F. Applicants should set forth a color designation for pollen.

G. Applicants should account for juice content.

H. Applicants should indicate whether or not other plants referred to are patented.

Claim 1 stands rejected under 35 USC 112, first paragraph, as not being supported by an adequate cultivar name.

THE OBJECTION TO THE DECLARATION

A new Declaration is being submitted with this response.

THE OBJECTION TO THE DISCLOSURE UNDER 37 CFR 1.163(a)

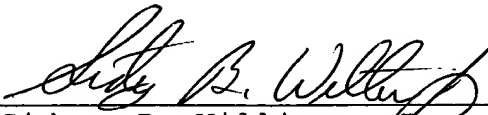
The original specification has been replaced by the enclosed substitute specification which responds to the rejections referred to in Items A-H of the Examiner's objection.

THE REJECTION OF CLAIM 1 UNDER 35 USC 112, SECOND PARAGRAPH

Claim 1 has been amended by reciting that the name of the plant is 'Ridgewood'.

In view of the substitute specification, substitute Declaration, Assignment and Power of Attorney, withdrawal of the objections and rejection and expeditious passage of this application to issue is respectfully submitted.

Respectfully submitted,



Sidney B. Williams, Jr.

SBW/smd

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Encl: Clean Substitute Specification
Marked-Up Substitute Specification
Copy of New Declaration
Copy of Assignment
Copy of Power of Attorney
Postal Card

136.05/04